

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS E. CARODINE,

Defendant.

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8:10CR52

**PRELIMINARY ORDER
OF FORFEITURE**

OFFICE OF THE CLERK

NOW ON THIS 26th day of August, 2011, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to enter pleas of guilty to Counts I, III, and V of the Superseding Indictment. Count I of said Superseding Indictment charged the Defendant with conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846. Counts III and V charged the Defendant either used \$1,933.00 and \$35,089.00 in United States currency to facilitate the commission of the conspiracy and/or charged said sums were derived from proceeds the Defendant obtained directly or indirectly as a result of the commission of the conspiracy. The parties' Plea Agreement states the \$1,933.00 sum mentioned in Count III was incorrect; it should have been \$2,933.00. Additionally, the parties' Plea Agreement states the Defendant agrees to the forfeiture of \$2,933.00.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in \$2,933.00 and \$35,089.00 in United States currency, and the United States should be entitled to possession of the same, pursuant to 21 U.S.C., § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Superseding Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the \$2,933.00 and \$35,089.00 in United States currency.

C. The Defendant's interest in the \$2,933.00 and \$35,089.00 is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned sums of currency are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject property must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the


Petitioner's right, title or interest in the subject property and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

ORDERED this 26th day of August, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lyle E. Strom", written over a horizontal line.

**LYLE E. STROM, Senior Judge
United States District Court**